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Tune Award for Excellence in Education Presented to Don Klein

Don Klein was presented the 2007 William "Bill" Tune Award for Excellence in Real Estate Education at a luncheon held in his honor at the Palm Restaurant in Nashville on April 2, 2008. The Tune Award was established by the Tennessee Real Estate Commission in 1996 to honor Bill Tune, a real estate practitioner and educator in middle Tennessee, who had made the availability of quality real estate education a mission in his life.



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Longevity Recognition Breakfasts Held in Middle and West Tennessee

By Eve Maxwell, TREC Executive Director

The highlight for the month of March was the award ceremony for the Middle Tennessee licensees who have held a real estate license for 40 years or more and the highlight of the May trip to Memphis was the award breakfast held there. As you might remember from the spring newsletter, Commission Chairman Charles

Haynes worked tirelessly to get these award ceremonies approved and they

have really been a great success.
Held in each grand division, the
ceremonies are designed to honor
all those licensees who have had a
real estate license for 40 years or
more. It has been so rewarding to
hear the stories of these real estate
pioneers and to have an opportunity
to recognize them for the solid
foundation that they have all helped
build for the current and future

generations. The ethics, the morals, the perseverance, the dedication and the passion for real estate all emanate from this early group of real estate licensees.

The Middle Tennessee ceremony was held at the Bluegrass Country Club in Hendersonville,

Tennessee. The Greater Nashville Association of Realtors sponsored and hosted this affair and it was truly a lovely event. The ballroom was filled with licensees and family members who were enthusiastically sharing stories around the breakfast tables. Mandy Wachtler, President of GNAR delivered a talk that took us all back to events which had occurred over the last 50 years. Each licensee who spoke had an entertaining antidote to share that really brought home the evolution of the real estate profession. Once upon a time, all that was



Commissioner Wendell Alexander presents longevity award to Greta Thompson (top). Commissioner Isaac Northern presents award to Martin Edwards, Jr. at the West Tennessee Award Breakfast (bottom).



The TREC Administrative Office is moving while the Davy Crockett Building is being renovated. The TREC office will be located in the Andrew Johnson Towers at 710 James Robertson Parkway. The TREC mailing address and telephone numbers will not change. Nashville TREC meetings will continue to be held in the Davy Crockett Building.

Recognition Breakfast...cont.

needed to seal a deal was a handshake and a word that all was well. Many of us have forgotten all the changes that have taken place since these men and women were first licensed as real estate agents. As Commissioners Grover Collins, Gary Cunningham and Charles Haynes handed each honoree their certificate, you could feel the pride and excitement filling up the room.

On May 1, the final award ceremony

was held at the Holiday Inn University in Memphis. There was an electric atmosphere as the honorees and their family members entered the reception area, where many old friends stopped for several moments to catch up and share stories with one another. In Memphis it was great to see how many honorees brought their children and grandchildren to join in this celebration. After a wonderful breakfast, Jules Wade, executive director of the Memphis Area Association of Realtors, the sponsor

and host of the breakfast, gave a most interesting talk on the history of real estate licensing in Tennessee and on the founding of the MAAR. Complete with old clippings from the Commercial Appeal, I believe that everyone in the room was completely absorbed in this historical overview of the profession of real estate in Tennessee. Wade has been so kind as to allow us to print an excerpted version of this talk in this newsletter. Once introduced and

cont. next page



Tune Award...cont.

Klein, originally from Michigan, attended John Brown University in Arkansas, the University of Oklahoma and Tennessee State University and has been in Nashville for almost 30 years. He was Publicity Director for Paragon Associates/The Benson Company, spent over a decade with Brumfield-Gallagher Public Relations and then created his own firm, Don Klein & Associates. Don joined the Greater Nashville Association of REALTORS (GNAR) in 1997 as Executive Vice President and in 2007 was named CEO of that organization. Under his leadership GNAR has experienced a significant growth in membership and expanded its educational and professional

development opportunities. Since 1997 under Don's guidance the number of courses offered at GNAR has more than doubled in number. GNAR has also expanded course delivery to include a multitude of distance learning opportunities.

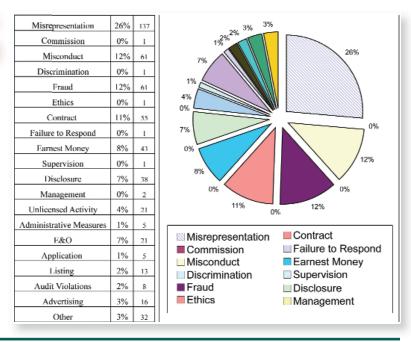
In accepting the Tune Award, Klein remarked "Serving is a fundamental principle that I hope characterizes both me and the organization for which I work ... that serving comes in the form of helping provide the best place for members to gather to pursue professional development."

"There are two words which come to mind in describing Don's commitment to real estate education...passion and professionalism," said TREC Chairman Charles Haynes. "He helped develop GNAR's beautiful campus into an exceptional facility, which is used to provide outstanding pre-license and professional development classes."

Klein's commitment to service goes well beyond his professional endeavors and includes being past president and current advisory board member of the Nashville Area Habitat for Humanity, past president and current board member of Christian Leadership Concepts, past president of Salama Urban Ministries and elder of Christ Presbyterian Church. Don and his wife Melonnie live in Bellevue and have a son Jordan who is a student at Texas A & M University.

COMPLAINTS AND THEIR FREQUENCY

TREC's legal staff has supplied information concerning open cases (complaints) and their frequency. Please see the table and pie chart (at right) which provides this data in terms of both numbers and percentages. The data was gathered based on open cases on April 25, 2008.



What To Do When a Complaint Is Filed Against You

By: David Flitcroft

One of the principal functions of the Tennessee Real Estate Commission is to process complaints about real estate professionals. Complaints are usually filed by a member of the public (buyer and seller) but can also be filed by a member of the real estate community or the Tennessee Real Estate Commission itself. The complaint process is addressed in Tennessee Code Annotated § 62-13-313.

When a complaint is filed, TREC provides a copy of the complaint to the respondent and the respondent's principal broker. If you receive a complaint, you should take it very seriously and read it carefully. You must file a response to the complaint within ten (10) days -- be aware of the deadlines. TREC will also ask for a copy of your transaction file. Identify any critical documents, such as the contract, amendments and disclosures, the HUD1 closing statement and correspondence. Next, meet with your principal broker to discuss your response. Although the complaint may not have been filed against your principal broker, it is your broker's responsibility to ensure that you send a timely and complete response to the complaint. You must respond to every allegation made in the complaint, even if you think no response is required.

It may also be appropriate to meet with your legal counsel and in so doing, make sure your counsel is familiar with TREC procedures. If you are involved in a court action your response should include a reference to the court file, the style

of the case, the file number, telephone numbers for the court clerk and the lawyers involved. Often your attorney will provide a response to the complaint, but you need to provide your own response as well.

Your response needs to be notarized and you need to attach copies of all relevant documents. Make a copy of your response and keep it in your file. I recommend strongly that you send your response by certified mail and follow-up with the TREC office two or three days after you mail the response to confirm receipt. It is very important that your response be received within ten (10) days. Failure to submit a response in a timely manner is a violation of TREC rules and is grounds for disciplinary action.

If you have any questions about the complaint process, please contact the TREC office.

Mr. Flitcroft is a Commission member and a practicing attorney in Knoxville, Tennessee.

Recognition Breakfast...cont.

congratulated by Commissioners Wendell Alexander, Isaac Northern and Carol Tate, honorees, were given an opportunity to share a story or experience that stood out in their memories. The tales were absolutely delightful, some funny, some sadly reminiscent, but each again exemplifying the unwavering love and devotion that the honorees have for their chosen profession. The contributions made by all of the early real estate pioneers continue to touch each and every licensee today and the influence that these honorees and all honorees across Tennessee have had and continue to have is immeasurable. Their legacy will not be forgotten.

Greatest Accomplishment Eliminated "CURBSTONERS"

By: Jules Wade

he Commission gave us a wonderful opportunity by its recognition of licensees with forty plus years of service. So much is learned by listening to these real estate heroes and those who came before them.

In the early 1900s, the earliest real estate boards were popping up across the country to bring order to a chaotic industry. While many real estate practitioners were licensed, there was an almost equal number who were not. These unlicensed dealers called "curbstoners" operated in the same fashion as some sidewalk peddlers today who lure you to buy their brand-counterfeit watches and handbags. If a real estate purchase went sour in those early days, there was basically no resource for remedy.

The seven real estate men who founded the Memphis Real Estate Association in 1910 had the singular focus to eliminate the "curbstoners" referring to them as "body snatchers" and "pests". To this end, they set out

to lobby for a mandatory licensing law. If you think this was an easy task, let me share with you newspaper reports in Memphis decades after the effort began.

On June 9, 1946 The Commercial Appeal reported, "Members of the Tennessee State Association of Real Estate Boards, winding up a two-day convention at the Peabody yesterday went on record in favor of a state licensing law..." The paper went on to say, "In discussing the proposed state licensing law which was heard at the convention session about the off-hand manner in which one may enter the real estate business in Tennessee, it was pointed out that by posting of a bond of \$1,000 and the payment of a city and county privilege fee, anyone can enter the business."

Apparently the above effort failed in the state legislature because the paper strongly opposed a renewed effort in 1951 and wrote an editorial with the caption "Real Estate Lobby Seeks Closed Shop". The paper said, "Sponsors of the bill to set up a Tennessee Real Estate Commission claim that it is for the 'protection of the public,' but we are inclined to agree with Sen. Alfred T. MacFarland, of Lebanon, that the public is receiving scant consideration in the matter... It is full of jokers, the net effect of which would be to keep people out of the real estate business for the benefit of those already in."

Ultimately, this latter effort was successful but only because of the huge effort by the real estate boards across Tennessee. So, in 1951 recorded history tells us about one of our greatest accomplishments, the creation of the Commission and the elimination of "curbstoners". It set in place the structure for passage of continued consumer protections encouraged by our heroes of the most recent forty years and more.

Jules Wade is the Executive Vice President of the Memphis Area Association of Realtors

TREC POLICIES ON WEB-SITE

All current TREC policies are on the TREC web-site at: http://state.tn.us/commerce/boards/trec/policies.html

Please review them frequently so that any changes concerning your license are noted. Policies can be added by the Commission or removed when they become obsolete or are replaced by rule or law.

"The Tennessee Department of Commerce and Insurance is committed to principles of equal opportunity, equal access, and affirmative action." Contact the EEO Coordinator or ADA Coordinator (615) 253-7685.





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DISCIPLINARY ACTIONS

FEBRUARY 2008

MARGARET CONDUFF

Lic. No. AF286098

Johnson City, TN

Ms. Conduff was assessed a civil penalty of \$3,000.00 for conduct which constitutes improper, fraudulent or dishonest dealing.

DARRAN O. DAVIS

Lic. No. AF271361 Memphis, TN

Mr. Davis was assessed a \$1,000.00 civil penalty for failure to maintain Errors and Omissions Insurance.

WILLIAM ALBERT DEROSA

Lic. No. AF308003 Cookeville, TN

Mr. Derosa's license was revoked for failure to timely complete administrative measures.

SANDRA A. PRINCE

Lic. No. BR256554 Franklin, TN

Ms. Prince was assessed a civil penalty of \$300.00 for failing to timely complete required education.

MARCH 2008

ROYCE DUGAN

Lic. No. AF311412 Gallatin, TN

Mr. Dugan was assessed a civil penalty of \$250.00 for an escrow account violation.

FIVE STAR REALTY

Lic. No. FM259394

Kingsport, TN

Five Star Realty was assessed a civil penalty for failure to maintain firm signage.

TROY D. GAMMON

Lic. No. PB281028 Jamestown, TN

Mr. Gammon was assessed a civil penalty of \$500.00 for failure to use reasonable

skill and care.

GATLINBURG CABINS ONLINE

Unlicensed

Gatlinburg, TN

Gatlinburg Cabins Online, LLC was assessed a civil penalty of \$10,094.00 for unlicensed activity.

DANIEL C. HOFFMAN

Lic. No. PB224305

Memphis, TN

Mr. Hoffman was assessed a civil penalty of \$1,000.00 for failure to timely remit monies belonging to others.

LARRY D. MAYALL

Lic. No. PB273604 Memphis, TN

Mr. Mayall was assessed a civil penalty of \$1,000.00 for failure to timely remit monies belonging to others.

ANNA J. PALAZOLA

Lic. NO. PB265223

Memphis, TN

Ms. Palazola was assessed a civil penalty of \$1,000.00 for an unlicensed branch office.

PPC REALTY

Lic. No. FM259350 Franklin, TN

PPC Realty was assessed a civil penalty of \$250.00 for failure to maintain firm signage.

APRIL 2008

CABINS USA REALTY, LLC

Lic. No. FM257949

Pigeon Forge, TN

Cabins USA Realty, LLC was assessed a civil penalty of \$5,000.00 for failure to maintain records for three (3) years.

CITY GATE REALTY

Lic. No. FM258770 Brentwood, TN

City Gate Realty was assessed a civil penalty of \$250.00 for an escrow account violation.

COLDWELL BANKER COMMERCIAL PROFESSIONALS

Lic. No. FM259493 Brentwood, TN

Coldwell Banker Commercial Professionals was assessed a civil penalty of \$250.00 for an escrow account violation.

GREENEVILLE BROKERS & OWNERS REAL ESTATE, LLC

Lic. No. FM260020 Greeneville, TN

Greeneville Brokers & Owners Real Estate, LLC was assessed a civil penalty of \$250.00 for an agency disclosure violation.

JMAR, INC.

Lic. No. GM258002 Jefferson City, TN

JMAR, Inc was assessed a civil penalty of \$250.00 for an agency disclosure violation.

REAL ESTATE TEN OF MORRISTOWN. INC.

Lic. No. FM260061 Morristown, TN

Real Estate Ten of Morristown, Inc. was assessed a civil penalty of \$250.00 for an agency disclosure violation.

ROCKY TOP REALTY, INC.

Lic. No. FM259267

Knoxville, TN

Rocky Top Realty, Inc. was assessed a civil penalty of \$250.00 for an agency disclosure violation.

YOUNG REALTY GROUP

Lic. No. FM235353

Nashville, TN

Young Realty Group was assessed a civil penalty of \$250.00 for an escrow account violation.

Middle Tennessee Longevity Award Recipients by City *Attended the breakfast

Ashland City

L.J. Matlock, Jr. *

Beechgrove

Peggy L. Brown

Brentwood

Floyd Adkisson, Jr.
Clive Anderson, Jr.
Jerry L. Kemp *
Joann King *
William A. King *
Carney Patterson, Jr.
Ray Tarkington *
Billy J. Tisdale *
James K. Wall
Glen Wallis
Max G. Wilson

Carthage

Bobby W. Williams

Clarksville

Jones R. Edlin Edward L. Goodlett Frank G. Goodlett * E. Harold Harris Brown Harvey, Jr. James G. Holleman Hugh B. Key * O.C. Terrell

Columbia

Waylan C. Dean Cyril H. Evers Sarah R. White

Cookeville

Nancy C. Enochs *

Dickson

Robert L. Nicks G.T. Scott, Jr.

Dover

Freeman Earhart

Duck River

Norman Dean *

Eagleville

Fred R. Hobbs

Fayetteville

John H. Richardson

Franklin

Raymond L. Barrett John M. Green, Jr. Richard E. Jordan John H. Noel, III Emma G. Peery John S. Phipps Brent Sanders

Gainesboro

Therold Richardson

Gallatin

Noble C. Caudill, II Harold Kemp * William A. Parks, Jr. * Charles Rhoten *

Goodlettsville

Preston Balthrop * Jim H. Dunn Homer E. Chance * Mary W. Jones

Goodspring

Gene A. Tucker

Greeneville

Guy Jones

Hartsville

Gene Carman

Hendersonville

Charles B. Batey *
Ernest D. Hill *
Lois E. Jordan *
Fred E. Lehman *
Beth Longmire
Drew R. Maddux *
Grover L. Porter *
William H. Towe *
Willene P. Williams *

Hohenwald

Richard N. Dorning Naymond D. Graves

Kingston Springs

Joyce Wiley

Lavergne

Max Puckett

Lawrenceburg

Jerry Cash Trevis W. Griggs Robert M. Markus Bill Sanders

Lebanon

Annette S. Dye Dewey J. Fite J. Brent Hurd * Tommy Knowles

Lewisburg

Grover Collins *
Bobby Martin

Livingston

Charles G. Webb

Manchester

Frederick H. Deford Charles L. Miller E.L. Rigney

McMinnville

Paul Holder Sam Martin, Jr.

Morristown

Bill Harville

Mt. Juliet

Odell Binkley, Jr. Dwayne Cravens Robert "Bob" Earheart Harold W. Sutton *

Murfreesboro

Mel Adams
O.K. Browning
William A. Cunningham
Don J. Durham
John C. Jones, Jr. *
Robert M. Maxwell
J. Clayton Rutledge *
Charles F. Smith
Marshall P. Sweeney

Nashville

Zenoch G. Adams *
John B. Alexander
James P. Atkinson
W.L. Bainbridge, III
Martha L. Beck *

Robert B. Beck * Coleman S. Bovd * Helen A. Bradlev Suzanne W. Brandes * Z. Vance Bulla, Sr. Tom Burnette, Jr. Royce Bush William C. Caldwell Robert J. Chaffin Franklin G. Clark N.T. Clinton Robert T. Coleman John G. Collev * William H. Council * Jim Crossman * Craven H. Crowell, Sr. Charles A. Daugherty Clarence A. Demonbreun, Jr. H.E. Dixon, Jr. Robert D. Eisenstein * Ross Evans, Jr. Georgia B. Everett * J. Richard Freeman Jerry D. Fridrich Frank F. Ghertner Frank Goodwin * H. Lynn Greer, Jr. * Karl E. Haury Harry G. Hemmerly

Henry Hill, Jr.
George W. Hussey
William M. Johnson
Leonard M. Johnson, Jr. *
T.C. Jones *

Dan H. Jordan*

Emily F. Kitchel *
Randolph J. Lee
Howard W. Lipman
Ivan E. Luttrell
M. Roland Maddox
Woodson J. Martin, Jr.
I.B. McAlister, Jr.
Ernest Medlin
Joe S. Meeks

Joe S. Meeks
Ben Merritt
Ted C. Mooney
James G. Morrissey
Kenneth E. Newton
John H. Otey, Jr. *
Edward S. Pearson

Jerald V. Peiser *
J. Fred Pilkerton
Albert L. Powell
Raymond "Ray" E. Pruett *

Ruth B. Randolph Edwin B. Rasking Don Richeson D.E. Ryan James "Jim" L. Sanders Bernard Sanderson Roy Shainberg * John C. Shea * Billy D. Shoulders James V. Sisco Ruth B. Smith Frank L. Smith, Jr. William C. Spann Virginia S. Spurlock Kermit C. Stengel, Jr. Ralph D. Stevens Jim Stevens * Carl Storey, Jr. Richard D. Sweenev * Fred R. Webber, Jr. Robert L. Wilson * Dick Winecoff Stephen F. Wood J. Douglas Wright, Jr. Shirley A. Zietlin

Portland

Melvin Briley Hugh D. Shannon *

Shelbyville

Wilburn Hastings, Jr. William "Bill" Parks * Scott S. Shapard * C. James Sutton *

Smithville

Ray "Don" D. Driver Eston Knowles Donald R. Sonner Jerry Spurlock

Smyrna

Eugene "Gene" Hardiman * Harold Shelton

Spring Hill

Ben W. Gary Boyce C. Magli *

Springfield

Joe H. Moore Robert D. Moore, Jr.

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Tennessee Real Estate News-Journal

Middle TN Recipients...cont.

SummertownJohnny E. Holland

Tullahoma

R.E. Alexander George C. Orr Roland Segroves Clifton A. Weddington Wartrace

Robert M. Morgan

White House

Carl J. Strassle *

Woodbury

Joe Hawkins Raymond C. Pedigo

West Tennessee Longevity Award Recipients by County

*Attended the breakfast

Benton

Roy C. Orr

Carroll

James T. Reed *

Gibson

William Smith

Hardeman

Virgil Nutt *

Hardin

Tommy J. Smith

Haywood

John D. Clinton

Henderson

Nancy C. Wyatt

Henry

Elliot Moody *

McNairv

Thomas A. Meeks

Madison

R.H. Hickman
Norwood Jones *
Robert B. Smith, III
Abner Taylor, III
Hugh E. Youmans
Reggie Smith *
Alma Reid
George Dorris *
Jerry R. Thompson
Horace Simmons

Obion

Orel "Shea" Riley, Jr. *

Shelby

James Albertine
Joyce M. Andrews
Edward L. Apple
Margie Armstrong
W. Turner Askew *
Charles Askew *
Robert F. Baird
Bernice L. Banes
Phillip Baum
Donald Bowden
Helen Bowden
B. Snowden Boyle
Norman Brown

Rose Brown *
James "Jim" W. Burch
Claude W. Caldwell *
Irvin D. Califf
Mary Callicott
William Callicott
Frank M. Campbell
James Carter
Cap Casey, Jr.
William Clark
Ken Crenshaw
Progra A. Crieman *

Ken Crenshaw
Bryan A. Crisman *
Crit Currie *
Ann G. Daniel
Robert H. Davidson
Dave Dermon
John T. Dozier *
Martin Edwards, Jr. *
Frank Evans *
Thomas Farnsworth

Barry B. Fife Letty N. Fisher * Jerome Frager * Ken Garland Raines Gill

Kenneth Guinn Judith E. Harber

Willie Green

Shirley B. Hill Florine Hinds Robert Hirsh * Jane Hubbard * Elizabeth "Libby" Jeu * Lawrence Johnson, III *

Jasper Jones
William Jones
J.T. Kelsey
Paul G. Lazarov
Edward B. Lemaster, Jr.

Michael A. Lightman Robert Lofton George B. Long Jerome B. Makowsky Meredith L. McCullar James E. McGehee, Jr. Melba K. Medford Joseph D. Merritt

Lawerence Migliara, Jr.
Peggy Miller
Pearlie Monger *
Harrel C. Moore *
Charles E. Moore *
Elmer Moore, Jr. *
Gerald Murley
Sadie Nash
John Nash
Robert Neal

George Nickey Virgil L. Norris Sue Oglesby David Okeon Clyde Patton, Jr. Samuel Peace Sam Pearson Clarence Perry Johnnie L. Phillips

John T. Pitts
David Pollow
Dewey G. Price, Jr.
Terry Reagor

Asher "Ace" Roberts Marcelle Roberts * Carolyn J. Rogers * Phillip D. Rogers William A. Ruleman * Charlotte Rutherford * Glenn Rutherford * Harry Samuels Ralph Shankman John S. Shepherd David Shirley Betty Smith William H. Smith Aubrey A. Smith, Jr. * J. Bayard Snowden, III John Snyder John J. Sohm * John G. Sowell

Harold H. Sterling *
Raymond E. Taggart
Bruce C. Taylor
Greta G. Thompson *
Louis Tickle *
Henry M. Turley, Jr.
Larry Turner
William Uhlhorn
Alston B. Wade, Jr.
Pauline Ward
Margaret Weaver
Mae Weeks

Robert Stacev

Mae Weeks
Waymon H. Welch, Jr.
Frank W. Wilbourn, Jr.
Daniel "Dan" F. Wilkinson
James "J" Tom Williams *
Dorothy Wilson
Paul H. Wortham, Jr.

Weakley

Marvin Alexander * Wendell F. Alexander * Mickey Moore *

TREC Contact Information

(615) 741-2273 or (800) 342-4031

www.state.tn.us/commerce/boards/trec

Personnel & Areas of
Responsibility

Administration: Eve Maxwell

Administrative Assistance

Betsy Bowman Kelly McDermott Dee Mitchell

Office Manager: Dennis Hodges

Board Meetings: Kelly McDermott

Complaints: Conell House

Education:

Licensing: Patricia Appleton Hester Curtis Kim Dorris Gil Dyer

Rachel Fowler Deborah Malugen Karen Patton Ruby Perry **Richard Thomas** Paula VanBuren

Reception & Records Management:

Ken Spurlock Linda Wolfert Jeff Meade David Freyer

Errors & Omissions Kathy Riggs Insurance

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(888) 248-2444

Fax: (502) 897-7174

Phone:

Web: www.risceo.com

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